

KOSOVO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament (the Assembly), which in turn elects a president and approves the president's nomination of a prime minister in consultation with the leading party. In February extraordinary parliamentary elections took place after the Constitutional Court ruled that the establishment of the government led by then prime minister Avdullah Hoti was illegitimate because the decisive vote cast was made by a parliamentarian whose mandate was rescinded. The electoral process was largely considered free and fair by independent observers. In March the Assembly constituted itself and elected a new government with Albin Kurti as prime minister. In April the Assembly elected Vjosa Osmani as president.

Security forces include the Kosovo Police and the Kosovo Security Force, which respectively report to the Ministry of Internal Affairs and the Ministry of Defense. Civilian authorities maintained effective control of security forces. There were credible reports that members of the security forces committed some abuses, including alleged use of excessive force and mistreatment of prisoners by police. Those involving Kosovo Police were reported to the Police Inspectorate of Kosovo, the investigating authority for police criminal acts and inspections of police processes. The government continued the process of gradually and transparently transitioning the Kosovo Security Force into a multiethnic territorial defense force, in accordance with a 10-year plan which began in 2019. The Border Police, a department of the Kosovo Police, are responsible for security at the border. Police maintain internal security, with the EU Rule of Law mission in the country as a second responder. The NATO-led Kosovo Force, an international peacekeeping force, is a third responder. NATO's Kosovo Force is responsible for providing a safe and secure environment and ensuring freedom of movement for all citizens. As of July the Kosovo Force mission had approximately 3,800 troops from 28 countries.

Significant human rights issues included credible reports of: serious restrictions on free expression and media, including violence or threats of violence against

journalists; serious government corruption and impunity; and crimes involving violence or threats of violence targeting ethnic minorities or other marginalized communities.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but at times lacked consistency. Many in the government, the opposition, civil society, and the media reported instances of senior officials engaging in corruption or acting with impunity. The government sometimes suspended, removed offenders from office, or transferred the accused, and the justice sector sometimes took steps to prosecute and punish those officials who committed abuses, offenses, and crimes. Many corrupt officials, however, continued to occupy public sector positions.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings. The Police Inspectorate of Kosovo (PIK) is responsible for investigating allegations of arbitrary or unlawful killings by the Kosovo Police; however, the Kosovo Police is responsible for investigating allegations against government officials or its agents, and State Prosecution is responsible for prosecuting such cases. The EU Rule of Law Mission (EULEX) monitored selected criminal and civil cases and trials in the judicial system, advised the Correctional Service, and provided logistics support to the Kosovo Specialist Chambers in The Hague.

The Kosovo Specialist Chambers and Kosovo Specialist Prosecutor's Office (SPO) are Kosovo institutions, created by Kosovo law and staffed with international judges, prosecutors, and officers, to investigate and prosecute crimes against humanity, war crimes, or other serious crimes committed between 1998 and 2000. The SPO and its predecessor, the EU Special Investigative Task Force, were established following the 2011 release of the Council of Europe report, *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*, which alleged that individual Kosovo Liberation Army leaders had committed acts that

could constitute war crimes in Kosovo between 1999-2000. In November 2020 the Kosovo Specialist Chambers publicly confirmed an indictment filed by the SPO charging then president Hashim Thaci, former Assembly speaker Kadri Veseli, and two others with crimes against humanity and war crimes. In October the specialist chambers rejected the defendants' request for conditional release from pretrial detention citing concern that the defendants would seek to abscond and a high risk that the defendants might continue attempts to intimidate or interfere with witnesses or their family members. At year's end, trials against the defendants had not yet started. There were also three other cases pending against former members of the Kosovo Liberation Army.

As of September the Special Prosecutor of the Republic of Kosovo (SPRK) had 12 war crime cases under formal investigation. During the year the SPRK issued one ruling for initiation of an investigation. One high-profile war crimes case known as "Drenica I" was sent for retrial in 2017 but was delayed several times. As of December no hearing had taken place.

In July the basic court in Pristina sentenced former Serb police officer Zoran Vukotic to three and a half additional years in prison for the wartime rape of a pregnant Kosovo-Albanian woman and for participating in the expulsions of Kosovo-Albanian civilians from the town of Vushtrri/Vucitrn in 1999. Since 2019, Vukotic had been serving a six-and-a-half-year sentence for the war crimes of illegally detaining and torturing Kosovo-Albanian prisoners in the Mitrovica/e region. The additional sentence marked the first time a Kosovo court has convicted a defendant of rape in connection with the war.

In March the basic court in Pristina sentenced Kosovo-Serb Zlatan Krstic and Kosovo-Albanian Destan Shabani, both former Serbian police officers, to 14-and-a-half and seven years of imprisonment, respectively, for war crimes against Kosovo-Albanian civilians in 1999. The indictment charged Krstic with direct involvement in an attack against civilians in 1999 in Ferizaj/Urosevac, including the expulsion of a local Kosovo-Albanian family, torture, destruction of property, and taking four civilians as hostages and subsequently killing them. The court convicted Shabani for ordering the burial of the four victims in 1999 without dignity and in violation of international humanitarian law.

In February the Basic Court in Pristina sentenced Kosovo-Serb Zoran Djokic to 12

years of imprisonment for war crimes against Kosovo-Albanians committed between March and April 1999. According to the indictment, Djokic, as a member of a Serbian paramilitary group, took part in attacks on and forced displacement of Kosovo-Albanians in Peje/Pec.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

As of September the government's Missing Persons Commission listed as missing 1,632 persons who disappeared during the 1998-99 conflict and the political violence that followed. By law the government's missing persons database does not include the ethnicity of missing persons unless voluntarily reported by their family. The commission estimated that approximately 70 percent were ethnic Albanians and 30 percent were Serbs, Roma, Ashkali, Balkan-Egyptians, Bosniaks, Goranis, Montenegrins, and others.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices, but the laws are inconsistently implemented and there were continuing allegations by some detainees of mistreatment by police and, to a lesser degree, correctional service personnel.

As of July the Ombudsperson Institution reported receiving 12 registered complaints: seven against police concerning mistreatment and five against the correctional service. The complaints against the correctional service included one concerning mistreatment, three regarding health care, and one of inhuman living conditions. In addition four police officers from the special police unit were detained in June for excessive use of force in 2019.

The National Preventive Mechanism against Torture, which operates under the Ombudsperson Institution, resumed normal operations after suspending activities in 2020 due to COVID-19 mitigation measures. The National Preventive Mechanism carried out 31 visits to all places of deprivation of liberty, such as prisons and pretrial detention centers, psychiatric facilities, social care homes, asylum reception centers, police stations, and the Administrative Detention Center.

It reported it had not uncovered any credible evidence of torture by security forces during the year.

The Kosovo Rehabilitation Center for Victims of Torture reported that mistreatment of detainees by police continued to be a problem. In January, three police officers were arrested in Pristina after a PIK investigation discovered video of the officers using excessive force during an arrest. In August, the PIK arrested a police officer in Ferizaj/Urosevac for excessive use of force and for detaining an individual for more than 48 hours.

On July 5, the basic court in Gjilan/Gnjilane sentenced a police officer to six years' incarceration for sexually assaulting an intellectually disabled minor female.

The government sometimes investigated abuse, although the mechanisms for doing so were not always effective or were subject to political interference. Security forces did not ensure compliance with court orders when local officials failed to carry them out. Although some police officers were arrested on corruption charges during the year, impunity remained a problem.

The PIK is responsible for reviewing and investigating complaints of police criminal actions, and for inspecting police processes. As of November PIK had received 1,862 complaints, 617 of which were forwarded for criminal investigation. The complaints were primarily for mistreatment in exercise of official duty, abuse of official duty, bodily injury, threat, and domestic violence. The PIK reported 158 police officers were under investigation, 78 were suspended, and 31 had been arrested. The inspectorate forwarded 91 of the complaints for prosecution; the rest of the cases remained under investigation.

Prison and Detention Center Conditions

Prison and detention center conditions met some international standards, but problems persisted in penitentiaries, specifically, prisoner-on-prisoner violence, corruption, exposure to radical religious or political views, substandard medical care, and inadequate treatment for prisoners with mental disabilities.

Physical Conditions: According to the National Preventive Mechanism against Torture, physical conditions in the Peje/Pec detention center did not meet international standards due to inadequate ventilation and a lack of natural light in

the cells. Similar shortcomings continued at the Prizren detention center and prison facilities in Dubrava as well. The National Preventive Mechanism noted a significant decrease in the prison population, especially in Dubrava prison.

The Rehabilitation Center for Victims of Torture reported that authorities provided adequate protection for both prisoners and corrections officials. Rehabilitation Center officials received complaints from prisoners alleging verbal harassment, prisoner-on-prisoner violence, and physical mistreatment by correctional officers, mainly at the Dubrava prison, the High Security Prison in the Podujeve/Podujevo municipality, and the juveniles' unit of the Lipjan/Lipljan correctional center. The Rehabilitation Center noted instances of inmates blackmailing and harassing other inmates at the Dubrava prison and the High Security Prison in Podujeve/Podujevo. It reported prisoners and detainees had difficulty accessing medical care. There were allegations of corruption and the use of transfers between detention facilities as disciplinary measures. The Rehabilitation Center reported that convicts at times harmed themselves to draw attention to their needs, including for medical care, transfers, or privileges. Rehabilitation Center officials reported alleged instances of corruption and nepotism, including by correctional and health staff, especially at the correctional center in Dubrava.

As of July the National Preventive Mechanism reported receiving 10 medical reports from prison health authorities of prisoner injuries due to interprisoner violence and five cases of prisoners claiming injuries sustained from correctional officers. The National Preventive Mechanism checked medical files sent by authorities but did not visit or interview, either in person or virtually, the prisoners involved in the alleged incidents, citing COVID-19 restrictions.

The National Preventive Mechanism noted a lack of structured therapeutic and rehabilitative activities for patients at the Dubrava Prison Hospital, with treatment consisting essentially of pharmacotherapy. Due to a lack of space, prisoners with mental disorders were housed with the general prison population.

Following the delivery of a Swiss forensic report to authorities in late 2019, the chief state prosecutor reopened an investigation into the 2016 prison death of Vetevendosje party activist Astrit Dehari and assigned the case to Kosovo's Special Prosecution. Dehari was arrested on suspicion of involvement in an attack on parliament. Authorities investigated whether Dehari committed suicide, while

members of his family and Vetevendosje party representatives claimed he was killed due to his political activism. The government requested Swiss assistance in 2018; the 2019 Swiss report noted forensic analysis could not exclude other possible causes of death and recommended further investigation. As of December an investigation of the case was ongoing.

Due to poor training and inadequate staffing, authorities did not always exercise control over facilities or inmates. There was a lack of trained staff to facilitate drug treatment programs. There was no drug-addiction testing within the correctional service and the classification system of inmates with addiction-related issues was not fully functional. The Rehabilitation Center for Victims of Torture reported that drugs, mostly marijuana, were regularly smuggled into these facilities, despite a ban on in-person visits to prisoners due to the COVID-19 pandemic.

The Rehabilitation Center documented delays and errors in medical care of prisoners as well as a lack of specialized treatment outside correctional institutions, especially at the Dubrava prison. In many instances conditions forced prisoners to procure needed medications from private sources. The Rehabilitation Center observed gaps in the prison healthcare system at the Dubrava facility and reported an insufficient number of mental health professionals. The Ministry of Health is responsible for providing medical care and health personnel in correctional facilities.

The Rehabilitation Center for Victims of Torture reported the Correctional Center for Juveniles in Lipjan/Lipljan housed adult inmates, although in a separate building, to engage them in work. The Rehabilitation Center reported the settlement of adult convicts in a juvenile institution is prohibited by law.

Facilities and treatment for inmates with disabilities remained substandard. The Kosovo Forensic Psychiatric Institute's capacity for treatment and shelter for detained persons with mental disabilities was limited to only 24 patients. Any additional detained individuals with mental disorders were placed in prison cells with other prisoners. While pretrial detainees were held separately from the convicted prisoner population, advocates for persons with disabilities faulted the government for regularly housing pretrial detainees with diagnosed mental disabilities together with other pretrial detainees. The law requires convicted

criminals with documented mental health issues to be detained in facilities dedicated to mental health care, but these prisoners were often housed in standard prisons due to overcrowding at mental health institutions. Apart from drug therapy and regular consultations with a psychiatrist, inmates with mental health issues were not provided with any occupational or therapeutic activities.

Administration: Authorities did not always conduct proper investigations of mistreatment. The Rehabilitation Center for Victims of Torture noted the internal complaint mechanism (as opposed to the National Preventive Mechanism against Torture) mandated by law did not function effectively, with officials responding too slowly to complaints. In addition, inmates often did not report abuses due to lack of confidentiality and fear of retribution. The Rehabilitation Center noted, however, that authorities regularly provided inmates with written decisions justifying solitary confinement and information on deadlines for appeals. The Rehabilitation Center noted the general director of the correctional service did not respond to the Center's request for information regarding inmate transfer requests.

Independent Monitoring: Although all visits were hampered by COVID-19 conditions, the government permitted visits by independent human rights observers. Only the national Ombudsperson Institution and EULEX had unfettered access to correctional facilities throughout the year. The Rehabilitation Center for Victims of Torture and the Center for the Defense of Human Rights and Freedoms were required to provide 24-hour advance notice of planned visits.

Improvements: The Rehabilitation Center for Victims of Torture reported improvements in housing conditions at the Dubrava prison, the Pristina high-security prison, and at the Pristina correctional center. The Rehabilitation Center noted the Prison Health Department hired additional staff. Rehabilitation Center officials also noted some prisons received new beds and mattresses, resolving a long-standing problem.

During police station inspections, the National Preventive Mechanism noted an improvement in medical screening, with an increasing number of stations providing medical checks for arrestees upon entering and leaving custody.

The National Preventive Mechanism against Torture noted an increasing number of opportunities for work, education, training, and recreational activities at

Dubrava Prison, the Correctional Center for Minors, the Correctional Center for Women, and the Educational Correctional Center in Lipjan/Lipljan.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government, EULEX, and NATO-led Kosovo Force (KFOR) generally observed these prohibitions. EULEX and KFOR personnel were not subject to the country's legal system but rather to their missions' and their countries' disciplinary measures.

Arrest Procedures and Treatment of Detainees

By law, except when a crime is in progress, police may apprehend suspects only with warrants based on evidence and issued by a judge or prosecutor. Within six hours of an arrest, prosecutors must issue the arrested person a written statement describing the alleged offenses and the legal basis for the charges. Authorities must bring arrested persons before a judge within 48 hours and must provide detainees prompt access to a lawyer of their choice or one provided by the state. There is a bail system, but courts seldom used it. They often released detainees without bail, pending trial.

Suspects have the right to refuse to answer questions, except those concerning their identity, at all stages of an investigation. Suspects have the right to the free assistance of an attorney and interpretation, as well as medical and psychological treatment. Suspects may have a family member notified of their arrest and may, at all stages of the process, communicate with their legal representation.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of their arrest and may extend pretrial detention for up to one year. After an indictment and until the conclusion of trial proceedings, only a trial judge or a trial panel can order or terminate detention. The law allows a judge to order house arrest, confiscate travel documents, and use bail or other alternatives to pretrial detention.

Although in some instances police operated undercover, they generally carried out

arrests using warrants. There were no confirmed reports that police abused the 48-hour rule, and prosecutors generally either provided arrested persons with documents describing the reasons for their detention or released them. While officials generally respected the requirement for prompt disposition of cases, the Rehabilitation Center for Victims of Torture reported detainees occasionally faced delays when attorneys were temporarily unavailable.

The Rehabilitation Center for Victims of Torture reported that authorities did not always allow detained persons to contact attorneys when initially arrested and in some cases authorities permitted consultation with an attorney only once police investigators began formal questioning. In several cases detainees were allowed access to an attorney only after their formal questioning had completed. Some detained persons complained that, despite requests for lawyers, their first contact with an attorney took place at their initial court appearance.

The law limits police use of force only in order “to protect a person’s life, to prevent an attack, to prevent a criminal act, to prevent the flight of a perpetrator, or, when other measures are not successful, to achieve another legitimate police objective.” The law also provides that when using force, police “shall attempt to minimize the intrusion into a person’s rights and freedoms and to minimize any detrimental consequences.”

The Rehabilitation Center for Victims of Torture reported that the PIK was more vigorous in pursuing cases of abuse during the exercise of official duties compared to previous years. The inspectorate arrested 27 and suspended 65 police officers in the first half of the year; “ill treatment” and “abuse of official authority” were listed as the two most common offenses for these officers.

Pretrial Detention: Lengthy detentions, averaging six months, both before and during judicial proceedings, remained a problem. The law allows judges to detain a defendant pending trial if there is a well-grounded suspicion the defendant is likely to destroy, hide, or forge evidence; influence witnesses; flee; repeat the offense; engage in another criminal offense; or fail to appear at subsequent court proceedings. Judges routinely granted pretrial detention without requiring evidentiary justification. Lengthy detention was also partly due to judicial inefficiency and corruption.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary did not always provide due process. According to the European Commission, nongovernmental organizations (NGOs), and the Ombudsperson Institution, the administration of justice was slow and lacked the means to ensure judicial officials' accountability. Judicial structures were subject to political interference, disputed appointments, and unclear mandates.

Although backlogs once presented a substantial problem, judicial efficiency in resolving pending cases continued to improve.

The Judiciary Council issued nonpublic written reprimands or wage reductions for four judges, although these sanctions were considered insufficient to significantly deter future misconduct. The Prosecutorial Council initiated four investigations and rendered two decisions, including one finding of guilt which the Supreme Court subsequently overturned. Both the Judiciary and Prosecutorial Councils published final disciplinary decisions on their respective webpages, although publication by the Prosecutorial Council was often delayed.

Authorities sometimes failed to carry out court orders, including from the Constitutional Court. Some Kosovo-Serb representatives claimed government institutions failed to execute court rulings in favor of Kosovo Serbs, particularly in property-related disputes. Central and local authorities in Decan/Decani continued to refuse to implement the 2016 decision of the Constitutional Court confirming the Serbian Orthodox Church's ownership of more than 24 hectares of land adjacent to the Visoki Decani Monastery. In September the Constitutional Court noted the government's continued refusal to implement the court decision and referred the issue to the state prosecutor. As of December the prosecutor had not initiated criminal proceedings. None of the officials failing to carry out the court order have been sanctioned.

Trial Procedures

The law provides for a fair and impartial trial, and while there were severe shortfalls in the judicial system, including instances of political interference, it generally upheld the law. Trials are public and the law entitles defendants to: the

presumption of innocence; the right to be informed promptly and in detail of charges against them; a fair, timely, and public trial where they can address the court in their native language; the right to be present at their trials; to remain silent and not to be compelled to testify or confess guilt; the right to confront adverse witnesses; the right to see evidence; and the right to legal representation. Defendants have the right to appeal. These rights extend to all citizens without exception. The country does not use jury trials.

The constitution defines free legal aid as a basic human right, and the law guarantees free legal aid in civil cases, administrative cases, minor offenses, and criminal procedure to individuals who meet certain legal and financial criteria. The government's Free Legal Aid Agency provides free legal assistance to low-income individuals. During the year it undertook outreach campaigns targeting disadvantaged and marginalized communities and expanded the availability of legal aid information through online platforms.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are civil remedies for human rights violations, but victims were unable to avail themselves of this recourse due to complicated bureaucratic procedures and a large backlog of cases. Individuals may appeal to courts to seek damages for, or cessation of, human rights violations.

Individuals may turn to the Constitutional Court for review of alleged violations by public authorities of their individual rights and freedoms provided by the constitution, but only after exhaustion of all other legal remedies.

Property Seizure and Restitution

A complex mix of laws, regulations, administrative instructions, and court practices, as well as the illegal reoccupation of properties and multiple claims for the same property, continued to hamper resolution of property restitution cases arising from the war and its aftermath. More than 95 percent of these claims were filed by ethnic Serbs. Private citizens and religious communities were largely

unsuccessful in petitioning for the return of properties seized or confiscated during the Yugoslav era.

By law the Kosovo Property Comparison and Verification Agency has authority to adjudicate claims regarding the extent, value, and ownership of land parcels and to resolve discrepancies between cadastral documents. The absence of cadastral records, which Serbia removed from Kosovo in 1999 and continues to retain, prevented the agency from fully fulfilling its mandate. Claimants have the right to appeal decisions in the courts.

The property comparison and verification agency had some difficulties enforcing the eviction of illegal occupants and, in general, failed to remove illegal structures built on land after claimants had their rights confirmed. The majority of the claimants were ethnic Serbs. Following a 2020 administrative instruction to remove illegal structures, only one demolition took place, in October 2020 in Pristina. As of July, there have been no additional removals. Re-usurpation of property continued to be an issue, although the numbers have reportedly declined. In June the Kosovo-Serb-led NGO Aktiv published a report suggesting problems such as document forgery, noncompliance with court decisions, intentional damage or complete destruction of property, and property usurpation prevent some Kosovo Serbs from enjoying their property rights. In an effort to strengthen protection of property rights, the Kosovo-Serb-led NGO Advocacy Center for Democratic Culture launched a website in November offering legal assistance and information to property claimants.

In September 2020 Prime Minister Hoti and Serbian president Vucic separately signed commitments which included pledges to continue restitution of Holocaust-era heirless and unclaimed Jewish property. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which covers property restitution as well as Holocaust remembrance, research, and education by the countries that endorsed the Terezin Declaration in 2009, was released publicly on July 29, 2020, and can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>. The country did not endorse the Terezin Declaration in 2009 and is not included in the JUST report.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The constitution and law prohibit such actions, and there were no reports the government, EULEX, or KFOR failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for the press and other media. While the government generally respected this right, credible reports persisted that some public officials, politicians, businesses, and religious groups sought to intimidate media representatives. Funding problems also undermined media independence. Journalists encountered difficulties in obtaining information from the government and public institutions, notwithstanding laws providing access to public documents. The Independent Media Commission regulates broadcast frequencies, issues licenses to public and private broadcasters, and establishes broadcasting policies.

Freedom of Expression: In July the basic court in Pristina sentenced Montenegrin national Risto Jovanovic to six months in prison for inciting intolerance by chanting nationalist slogans during the June 28 observance of the 1389 Kosovo Battle commemoration (Vidovdan) at Gazimestan, Pristina. The court fined Jovanovic 6,700 euros (\$7,700) in lieu of imprisonment and banned him from entering the country for five years.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, generally without restriction. Nevertheless, reports persisted that government officials, some political parties, businesses connected to the government, religious groups, and disgruntled individuals pressured media owners, individual editors, and reporters not to publish certain stories or materials. Some journalists refrained from critical investigative reporting due to fear for their physical safety or job security.

While some self-sufficient media outlets adopted editorial and broadcast policies

independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to funders' interests. According to some editors, funding was limited in part because the government was reluctant to purchase advertising in media outlets that published material critical of government policies.

According to the Association of Journalists of Kosovo, in September Haki Abazi, a deputy of the ruling Vetevendosje party, threatened the online media outlet *Albanian Post* and its director over their coverage of the government's appointment of ambassadors. The outlet posted a recording of the alleged incident online.

Violence and Harassment: As of December the Association of Journalists of Kosovo reported 26 instances of government officials, business interests, community groups, or religious groups violating press freedom by physically assaulting or verbally threatening journalists.

In late February investigative journalist Visar Duriqi was attacked outside his home by three persons who were reportedly waiting for his return. He was severely injured, including a broken nose and loss of teeth, and required treatment at the hospital. Duriqi's reporting frequently covered crime and corruption, including analysis of widespread agriculture subsidy abuses which he spoke about on local television station Kanal-10 the evening he was attacked. Police opened an investigation into the incident, but no suspects have been identified. The Ombudsman characterized the violence as an attack on freedom of expression.

On April 17, police investigators interviewed Parim Olluri, director of the online news agency *Insajderi*, about the journal's reporting on the Minister of Health's alleged failure to sign an official purchase of Pfizer COVID-19 vaccines. Olluri claimed police requested he identify his sources of information. The Association of Journalists and civil society condemned police and the government for allegedly violating the Law on Protection of Journalists' Sources.

On October 13, rioters attacked several journalists from both Albanian- and Serbian-language media outlets (including Radio Free Europe/Radio Liberty) covering protests in Mitrovica/e North following an antismuggling operation

carried out by police. Journalists reported rioters seized and smashed video equipment, chased journalists on foot and in cars, and threw rocks, Molotov cocktails, and other explosive devices at media.

Censorship or Content Restrictions: There were no reports of direct censorship of print or broadcast media, although journalists claimed pressure from politicians and organized criminal groups frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their physical safety or job security. Journalists occasionally received offers of financial benefits in exchange for positive reporting or for abandoning an investigation.

According to the Association of Journalists, government officials as well as suspected criminals verbally threatened journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

Journalists complained that media owners and managers prevented them from publishing or broadcasting stories critical of the government, political parties, or particular officials. In some cases, media owners reportedly threatened to dismiss journalists if they produced critical reports. Journalists also complained that media owners prevented them from reporting on high-level government corruption.

As of August, the Ombudsperson Institution was investigating 26 complaints from media, civil society organizations, and individual citizens concerning alleged violations of the right of access to public documents. The Ombudsperson Institution concluded public institutions lacked the professional capacity and staff to respond to requests for access to public documents, leading to either significant delays or failures to provide legal justification for denying or restricting access.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on cultural events. The education system

was subject to political appointments of school directors and teachers at all levels.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and Right to Leave the Country

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Ethnic minorities had access to identity documents in the civil registry, and the number of Kosovo Serbs with these documents continued to increase. Kosovo-Serb representatives claimed some challenges remained, such as access to civil documents for Serbian nationals married to Kosovo-Serb citizens.

In-country Movement: The primary bridge connecting Mitrovica/e North and South remained closed for vehicular traffic, allegedly to prevent civil disturbances, but was fully open to pedestrians. KFOR and police maintained permanent security at the location. Other bridges connecting the two cities were fully open.

Exile: The return to the country by ethnic minority refugees from the war remained a challenge. Parliamentary representatives of the Ashkali, Balkan-Egyptian, and Romani communities reported social prejudice prevented the return of nearly 400 members of their communities. These persons were formerly resident in the country and informed the Office of the UN High Commissioner for Refugees (UNHCR) that they were ready to return from Serbia, North Macedonia, and Montenegro.

e. Status and Treatment of Internally Displaced Persons

UNHCR reported large numbers of individuals continue to have displacement-

related needs stemming from the 1998-99 conflict and the violent events of 2004, including 15,699 displaced persons within the country.

While UNHCR continued to maintain its internal database of returnees and assistance applications, the Ministry for Communities and Return initiated procedures to establish its own database on displaced persons, refugees, and returnees. According to the Communities and Return Ministry, barriers to return included widespread discrimination against members of minority communities, fear of violence or harassment failure to enforce court decisions (particularly those concerning property), property usurpation, lack of access to educational and economic opportunities, lack of public services in a common language, limited representation of minority communities in public institutions and enterprises, and limited coordination and cooperation between governmental bodies to address issues of concern. UNHCR noted the government lacked a data collection and processing system for displaced populations and voluntary returns to the country and that the lack of a detailed census and adequate profiling data left displaced persons excluded from human rights protections and development plans.

The government promoted the safe and voluntary return of internally displaced persons (IDPs). Through the Communities and Return Ministry, it promoted policies and protections for IDPs in line with EU policies and cooperated with domestic and international organizations to ensure IDPs had access to their property and tools for their sustainable return. These include assistance repossessing property, land allocations for housing, and improved socioeconomic prospects.

Romani, Ashkali, and Balkan-Egyptian displaced persons and returnees continued to face particularly difficult living conditions. One of the main challenges was the resistance of some municipalities to allocate land and recognize tenancy or possession rights based on the informal settlements members of these communities occupied prior to displacement. Some municipalities failed to allocate land to Roma, Ashkali, and Balkan-Egyptian communities that had received property rights within the municipalities because they had lived elsewhere prior to their displacement.

In January media outlets reported joint funding from the EU Office, the Danish Refugee Council, and Strpce/Shterpce municipality enabled former IDPs from a

collective center (temporary shelters) in Strpce/Shterpce to move into 110 apartment units. With the support of the EU and the Danish Refugee Council, the Ministry of Communities and Return reported it completed construction of residential units for some IDPs living in Gracanica/Gracanice.

According to UNHCR data, 139 displaced persons still resided in 15 collective centers in the country.

By the end of June the Ministry of Communities and Return reported it had, with support from the EU, completed construction of two houses for returnees and begun construction of eight more. The ministry delivered household appliances, food, construction material, and other necessary supplies to facilitate resettlement. Under the EU-supported initiative, the ministry also helped fund 41 individual small business projects and seven infrastructure projects for IDP communities.

The return process in some areas of the country continued to be marked by security incidents and local communities' reluctance to accept the return of, or visits by, Kosovo-Serbs. As of July UNHCR reported a total of 19 incidents affecting returnees and IDPs, mainly in the Peje/Pec region. In June, Dragica Gasic, the first Kosovo Serb to reclaim property in Gjakova/Djakovica, experienced strong opposition from the community, including from local political party branches and associations of those missing and killed during the 1999 war. Gasic reported frequent harassment from neighbors and local businesses, including insults and intimidation. On July 27, Gasic reported to authorities that her home was forcibly entered and items stolen. According to media reports, Gasic legally repossessed the apartment through the Kosovo Property Comparison and Verification Agency. In July media outlets reported that unknown persons caused grievous bodily injuries to a displaced Serb who came to visit his property in Kline/Klina municipality. Police launched an investigation.

f. Protection of Refugees

The government cooperated with the Office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status

with subsidiary protection, a system for providing protection to refugees, and temporary admission of asylum seekers while their cases are adjudicated. The government has a system in place enabling foreign nationals or stateless persons to seek asylum at any entry point to the territory or within the territory. The country has no central-level migration management system, however, for identification, screening, and referrals of persons seeking asylum protection and persons with specific needs within the mixed migration flow.

Reception facilities at the asylum center could host children but the facility lacked standard operating procedures for unaccompanied children seeking asylum or for determining their eligibility for asylum. Asylum cases decreased from previous years, and the country remained largely a point of transit. Those seeking asylum typically left the country and did not attend their hearings.

Refoulement: In August 2019 the PIK filed charges with the prosecution against 22 police officers who participated in an operation involving the 2018 rescission of residence permits and subsequent refoulement to Turkey of six Turkish citizens, whom Turkey accused of having ties to terrorism. In 2019 the appellate court affirmed a prior ruling that the rationale for rescinding the residence permits was baseless. As of December, the Ministry of Internal Affairs had not received a final judgment from the court. Separately, in February the SPO filed an indictment against the former director of the Kosovo Intelligence Agency and two senior Ministry of Internal Affairs officials for abuse of office in connection with the deportation of the Turkish citizens.

Access to Basic Services: UNHCR reported asylum seekers received accommodations, regular meals, and clothing, while UNHCR partner organizations provided psychological assessments, counseling services, and legal aid. The lack of interpretation services for several official languages at both the central and local levels remained a problem. UNHCR stated health care and psychological treatment were still inadequate. According to the International Organization for Migration, despite a straightforward registration process, the government did not grant new arrivals immediate access to services and asylum procedures, which resulted in a considerable backlog of applications.

The government partnered with UNHCR to designate a detention center for foreigners as a quarantine site for new arrivals and to secure personal protective

equipment and hygienic items for asylum seekers. UNHCR provided access to internet services at asylum centers to provide asylum seekers with online legal and psychosocial assistance as well as education for children.

The government introduced regulations mandating support and integration for asylum seekers, refugees, persons granted temporary protection or subsidiary protection, and stateless persons, but is still finalizing its standard operating procedures.

Temporary Protection: The government provided temporary protection, called subsidiary protection, to individuals who may not qualify as refugees. Through September the government had provided subsidiary protection to more than 1,000 individuals, primarily Afghan nationals in support of Operation Allies Refuge.

g. Stateless Persons

Official figures on stateless persons were not available. The law contains no discriminatory provisions that might cause groups or individuals to be deprived or denied citizenship. Citizens convey citizenship to their children. Children born to noncitizen parents acquire citizenship by virtue of birth within the country; this situation most often occurs within minority communities with large numbers of undocumented residents. Government procedures provide for access to naturalization for those granted stateless or refugee status five years after the determination.

While laws relating to civil status permit stateless persons to register life events such as birth, marriage, and death, implementation varied among municipalities. The government's capacity to identify stateless persons and those with undetermined nationality remained inadequate.

Unregistered residents did not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children born of parents displaced outside the country and who entered with their readmitted parents often lacked documentation, including birth certificates, from their place of birth. UNHCR provided legal aid for civil registration of approximately 100 unregistered Roma, Ashkali, and Balkan Egyptians.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage.

The Serbian government continued to operate illegal parallel government structures in Kosovo Serb majority areas and in areas primarily inhabited by the Kosovo-Gorani community. The Serbian government often used these structures to influence Kosovo-Serb and Kosovo-Gorani communities and their political representatives.

Elections and Political Participation

Recent Elections: The country held extraordinary parliamentary elections in February. International and independent observers as well as ethnic minority group representatives noted pressure and intimidation within ethnic minority communities to support parties aligned with Srpska List, a party closely aligned with the Serbian government. Some Kosovo Serbs also reported being pressured not to support parties other than Srpska List. According to National Democratic Institute observers, Srpska List politicians pushed for the creation of new Roma and Bosniak political parties and encouraged Kosovo Serbs to vote for these new parties in an attempt to increase their influence in the Assembly by gaining seats reserved for minority groups.

In March the Supreme Court annulled most of the votes cast for the reportedly Srpska-List-aligned Romani Initiative and Ujedinjena Zajednica-Adrijana Hodzic parties, asserting their votes did not originate from the communities the guaranteed seats were intended to represent. The Supreme Court ruling led Hodzic to lose her seat, which went to the runner-up Bosniak party, the Social Democratic Union. Romani Initiative also lost one of the two seats it initially appeared to win, with the seat going to another Romani community party.

On January 22, ahead of the February 14 elections, the Central Election Commissions voted to deny certification to any party's candidates with a criminal conviction in the past three years, in line with the laws governing campaign eligibility. The following day, then acting president Vjosa Osmani criticized this vote in a public statement. Subsequently, on June 14, President Osmani dismissed

election commissions chairperson Valdete Daka for allegedly acting in a manner that seriously affected the independence and the integrity of the commissions. Eleven civil society organizations jointly called Osmani's decision politically motivated, and the EU Election Observation Mission's report noted "The decision of the President of Kosovo to dismiss the former election commissions Chairperson on 14 June, four years before the expiration of her second mandate and just one day before the call for the municipal elections, could not be adequately substantiated neither by the reasoning of the decision nor by the enumerated grounds in the Law of General Elections. Notably, both decisions are viewed by the opposition parties and civil society as politically motivated."

Political Parties and Political Participation: Political parties operated freely in most of the country, and there were no significant barriers to registration. Party affiliation often played a role in access to government services and social and employment opportunities. Prospects for opposition parties in Kosovo-Serb areas remained limited, however, due to reported pressure and intimidation tactics to influence Kosovo Serbs to support Srpska List. An EU election observer statement noted Srpska List had monopolized political life in Kosovo-Serb communities, thus limiting political competition and voters' choice. In May, the Kosovo-Serb-led NGO New Social Initiative published a report noting the absence of political pluralism in the Kosovo-Serb community, adding that a perceived lack of freedom and pressure from political and institutional representatives inhibited pluralism.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized or minority groups in the political process, and they did participate. NGOs reported, however, that voter turnout among women tended to be much lower than among men. Parties representing the Romani, Ashkali, Balkan-Egyptian, Bosniak, Gorani, and Turkish communities campaigned freely in their native languages.

Vjosa Osmani, a woman, served simultaneously as parliamentary speaker and acting president until her election as president in April. One-third of all cabinet ministers in Prime Minister Kurti's government were women. In the Assembly, 38 out of 120 members were women, two more than the constitutional quota. A 2020 Freedom House report noted many women in rural areas had been disenfranchised through the practice of family voting, in which the male head of a household casts

ballots for the entire family.

Ethnic minorities' representation in the Assembly was more than proportionate to their share of the population. Political parties representing ethnic minority groups generally reported better cooperation and partnership with the Vetevendosje-led government than with its predecessors.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were reports of government corruption. Officials sometimes engaged in corrupt practices with impunity. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. Corruption cases were routinely subject to repeated appeal, and the judicial system often allowed statutes of limitation to expire without trying cases.

Corruption: The Anticorruption Agency and the National Audits Office shared responsibility for combating government corruption. The SPRK filed nine corruption related indictments as of December. A small proportion of corruption cases that were investigated and charged led to convictions. In June the Supreme Court issued corruption sentencing guidelines intended to provide guidance for courts based on consideration of harm and level of culpability.

NGOs and international organizations alleged numerous failures by the judicial system to prosecute corruption, noting that very few cases brought against senior officials resulted in convictions. Sentencing of high-level officials convicted of corruption was often lenient. The NGO Cohu reported that most convictions result in suspended sentences or fines and that only 4 or 5 percent result in imprisonment. NGOs reported indictments often failed because prosecutors filed incorrect charges or made procedural errors.

In April the Court of Appeals dismissed the 2020 conviction of the former mayor of Lipjan/Lipljan, Shukri Buja, citing an expiration of the statute of limitations. Buja was convicted in 2018 for unlawful transfer and expropriation of municipal properties to a private company and abuse of official position and authority,

committed from 2008 to 2010. In 2019, the Court of Appeals ordered a retrial, and Buja was reconvicted and sentenced to two years' imprisonment in September 2020. In January, the Court of Appeals declared some of the charges had passed the statute of limitations, and reduced Buja's sentence to one year. The Supreme Court ordered a retrial in March, leading to the April court decision to dismiss all charges.

As of November a decision remained pending in the 2019 trial of former minister of agriculture Nenad Rikalo and seven other ministry officials charged with abuse of power. The group allegedly sidestepped legal safeguards and manipulated the ministry's grant process to award millions of dollars to companies owned by political associates.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups operated generally without government restriction, investigating and publishing their findings on human rights cases. The government was cooperative and sometimes responsive to their views.

Government Human Rights Bodies: The constitution establishes the Ombudsperson Institution as the national human rights institution, mandated to monitor, protect, and promote the rights and freedoms of individuals from unlawful or improper acts, or failures to act, by public authorities.

The Ombudsperson Institution has authority to investigate allegations of human rights violations and abuse of government authority and acts as the National Preventive Mechanism against Torture. The Institution is the primary agency responsible for monitoring detention facilities. Based on powers granted by the Assembly, the Ombudsperson Institution can file *amicus curiae* briefs with basic courts on human rights-related cases. It can also make recommendations on the compatibility of laws and other sublegal or administrative acts, guidelines, and practices.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape and domestic violence against all persons, including rape of a relative or spouse. By law rape is punishable by two to 15 years in prison. EULEX noted that courts often applied penalties lighter than the legal minimum in rape cases and that law enforcement bodies rarely took steps to protect victims and witnesses. In addition, sentences were often further decreased by the appellate court. The Prosecution Victim Assistance Office reported an increased number of domestic violence cases, from 1,145 in 2020 to 1,374 from January to August. Instances of gender-based violence, including sexual violence and rape were rarely reported by survivors, frequently due to social stigma or lack of trust in authorities.

The law recognizes gender-based violence as a form of discrimination but lacks a definition of gender-based violence for use in criminal and civil proceedings. The Prosecution Victim Assistance Office helped to provide access to justice for survivors of all crimes, with a special focus on survivors of domestic violence, trafficking in persons, child abuse, and rape. In addition, each prosecutor's office had a prosecutor who specialized in handling domestic violence cases. These prosecutors could apply risk-assessment tools to mitigate the risk of future abuse and were empowered to recommend harsher sentences for repeat offenders and violators of protective orders.

Police investigated cases of domestic violence before transferring them to prosecutors who make the determination on filing charges. The rate of prosecution was low, however, and sentences were often lowered on appeal. Advocates and court observers asserted prosecutors and judges favored family unification over survivor protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending. Sentences ranged from judicial reprimands to up to five years' imprisonment. The Pristina Basic Court held online hearings on domestic violence cases consistent with government COVID-19 pandemic measures.

In March, Sebahate Morina was killed by her former husband, Lulzim Sopi, 11

days after her daughter reported to police that her mother was being abused physically. In 2019, Sopi was indicted on domestic violence charges, and despite consistent violence against his wife, the Gjilan Basic Court, following a guilty plea by Sopi, imposed a criminal fine only. A civil restraining order against Sopi was active until three months before Morina's reported murder. In March the Ombudsperson issued a report on the killing, finding authorities did not conduct a proper risk assessment and lacked coordination.

In August two men deposited the body of 18-year-old Marigona Osmani in front of a hospital in Ferizaj/Urosevac. Doctors confirmed Osmani had been raped and otherwise physically abused for at least two days and was already dead when discovered at the hospital. From the hospital's security camera footage, Kosovo Police identified Dardan Krivaqa, Osmani's husband, and Arber Sejdiu as suspects and arrested both two days later. Press reports indicated police had previously charged both men for multiple other violent offenses, including rape, bodily injury, and attempted murder. The incident sparked nationwide protests against perceived police inaction. As of September the two suspects remained in custody pending further investigation.

The government licensed and supported 10 NGOs that assisted women and child survivors of domestic violence. The government maintained a budget line for financial support of shelters, resolving a long-standing funding problem. Both NGOs and shelters reported timely receipt of funding.

The Office of the Prime Minister maintained a commission to recognize and compensate survivors of conflict-related sexual violence. The commission has granted pensions to more than 900 women since 2018. The SPRK designated one prosecutor for cases of conflict-related sexual violence. Police maintained a unit for war crimes cases, including cases of conflict-related sexual violence.

Sexual Harassment: The law defines sexual harassment in civil and criminal proceedings. The criminal article on sexual harassment stipulates criminal proceedings are initiated upon a victim's request and prison sentences are authorized for sexual harassment offenses against vulnerable victims. In cases where a crime is committed with the use of a weapon, the sentence may vary from one to five years in prison. The NGO Kosovo Women's Network reported that implementation of sexual harassment laws was hampered by poorly defined

procedures for filing complaints of harassment, and lack of clarity regarding which government bodies should receive these complaints.

According to women's rights organizations, harassment was common at workplaces in both the public and private sectors, including in public institutions of higher education.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Poor, marginalized, and illiterate individuals often had insufficient access to information on reproductive health. To address the problem, the government and the UN Population Fund created family planning curricula for all educational levels and began training educators to implement it.

The government requires transgender persons to undergo mandatory sterilization before changing their gender marker (see Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity, below, for additional information).

The National Law on Reproductive Health obligates the government to provide access to sexual and reproductive health services for survivors of sexual violence, including survivors of conflict-related sexual violence. Emergency contraception was not always available as part of clinical management of rape. The Ministry of Health included emergency contraception on its list of essential drugs for health centers, but the UN Population Fund reported some centers did not always have the drugs available. The Kosovo Women's Network reported it was unaware of emergency contraceptive services in the country. Survivors were assigned a "victim's protection official" who assisted with both the criminal justice and medical treatment processes.

Discrimination: The law provides the same legal status and rights for women and men. The law requires equal pay for equivalent work. The law stipulates that partners in marriage and civil unions have equal rights to own and inherit property, but men usually inherited family property and other assets. In rare instances Kosovo-Albanian widows, particularly in rural areas, risked losing custody of their children due to a family custom requiring children and property to pass to the

deceased father's family while the widow returned to her birth family.

Relatively few women occupied upper-level management positions in business, police, or government. The Kosovo Women's Network reported women were often subject to discriminatory hiring practices.

Gender-biased Sex Selection: The boy-to-girl ratio at birth was 108 boys to 100 girls. The government did not have policies to address the imbalance.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on racial or ethnic background. The constitution further allows for the adoption of interim measures to protect or advance the rights of minority or ethnic individuals or groups that suffer from discrimination. Reports of violence and discrimination against members of ethnic minority groups persisted. The law guarantees equal protection, without discrimination, on the grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability, or other personal status. The Law on Protection from Discrimination establishes a comprehensive system of protection from discrimination in the country and designates two entities – the Ombudsperson Institution, and the Office on Good Governance under the Prime Minister – as the administrative bodies responsible for resolving cases of discrimination, promoting equality, and monitoring the implementation of antidiscrimination measures. The criminal code contains provisions to classify as “hate acts” such offenses where race or ethnicity is a motivating factor.

According to the Ombudsperson Institution, although there is a good legal framework to protect racial and ethnic minorities, there were problems that prevent full and effective implementation and enforcement, including a lack of institutional capacity. Societal violence, as well as social and employment discrimination, persisted against Kosovo-Serb and other ethnic minority communities.

Through July, Kosovo Police reported six incidents of societal violence or discrimination targeting ethnic minorities, including the placement of wartime photos at the apartment building of a Serb returnee in Gjakove/Djakovica (see

section 2.e., Status and Treatment of Internally Displaced Persons), and vandalism of an Orthodox Church in Pristina. In May the Kosovo Police approved a *Manual for Handling Hate Crimes*, and police investigations of incidents targeting ethnic minorities led to some arrests. The Kosovo-Serb community expressed concern that the government's responses were not adequate.

The NGO Aktiv reported 48 incidents in the first six months targeting the Kosovo-Serb community and Serbian Orthodox Church sites, including property damage, burglaries and thefts, physical attacks and threats, and offensive graffiti. In August, the advocacy platform Empirica issued a press release demanding thorough investigations of unresolved cases, particularly those involving physical attacks against Kosovo Serbs. Serbian-language media regularly reported on incidents, including two attacks in July, one against a teenage boy by Kosovo Albanians in Vushtrri/Vucitrn and another against a displaced Serb visiting his property in Kline/Klina. In September Kosovo Police arrested several Kosovo Albanians, including minors, suspected of an assault targeting a group of Kosovo Serbs in Mitrovice/a South.

Harassment of Kosovo-Serb members of the Kosovo Security Force by other ethnic Serbs was commonplace, although usually the incidents were difficult to trace. Victims in most cases did not report the incidents to police for fear of escalation and retaliation. The Ministry of Defense and Kosovo Security Force leadership continued to take steps to protect Kosovo-Serb members, including better documentation of incidents, routine welfare checks by commanders, and attempts to improve the response of police and the Kosovo Intelligence Agency.

In December the Supreme Court annulled the basic and appeals court convictions against former member of parliament Ivan Todosijevec on charges of inciting intolerance and denying atrocities committed against ethnic Albanian civilians in 1999. The Supreme Court's ruling annulled the previous sentence of two year's imprisonment and ordered a retrial. Todosijevec was serving as the Minister of Local Government Administration in 2019 when he denied the occurrence of the well-known Recak/Racak massacre of 45 ethnic Albanians, during a public speech.

Access to justice for Kosovo Serbs continued to improve due to the 2017 integration of the judiciary system in the four northern Serb-majority municipalities and integration of Kosovo-Serb judges and staff in other basic

courts in the country. The judiciary suffered from a lack of funding and support for members of minority communities. Poor or delayed translation in court proceedings, a backlog of cases in the north, nonexecution of court decisions, limited numbers of minority staff, and inconsistency between Albanian and Serbian translations of legislation continued to hinder the delivery of justice for Kosovo Serbs and other minority communities.

Ethnic minorities, including the Serb, Romani, Ashkali, Balkan-Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, continued to face varying levels of institutional and societal discrimination in employment, education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic, legally stipulated rights. The Romani, Ashkali, and Balkan-Egyptian communities often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid for subsistence.

The Prime Minister's Office of Community Affairs and the Ombudsperson Institution noted discrimination in public sector employment in almost all local and national institutions. Although the law mandates 10 percent of employees at the national level of government be ethnic minorities, their representation remained limited and generally confined to lower-level positions. Smaller communities, such as Gorani, Roma, Ashkali, and Balkan-Egyptians, were particularly underrepresented.

The Office of the Language Commissioner continued to monitor the implementation of legislation that conferred equal status to the country's two official languages, Albanian and Serbian, as well as other official languages at the local level, including Bosnian and Turkish. The commissioner reported municipal administrations and central government institutions remained inconsistent in implementing provisions of national language laws, which resulted in unequal access to public services, information, employment, justice, and other rights.

Lack of translation or poor translation remained a problem with regards to numerous laws, signage in public institutions, and communication in court proceedings. Courts often failed to provide adequate translation and interpretation services to minority defendants and witnesses and did not provide adequate translation of statute and court documents as required by law. Government efforts

to address these problems remained inconsistent.

Children

Birth Registration: Children acquire citizenship from citizen parents or by birth in the country, including those with parents whose citizenship was not documented. Those not registered at birth were primarily from the Romani, Ashkali, and Balkan-Egyptian communities. UNICEF indicated lack of registration could adversely affect a child's access to social assistance, particularly for repatriated children. Children who were not registered were considered stateless.

Education: The law requires equal conditions for all schoolchildren and recognizes minority students' right to public education in their native language through secondary school. This law was not enforced. Bosniak, Croat, Gorani, Montenegrin, Romani, and Turkish community leaders cited the unavailability of textbooks and other materials in the Serbian, Bosnian, and Turkish languages, occasionally turning to Albanian-language curricula or curricula sponsored by Serbia or Turkey to educate students.

Child Abuse: The criminal code does not specifically criminalize child abuse but addresses various elements of child abuse, including in sections on sexual assault, rape, trafficking in persons, and child pornography, among others. Penalties range from five to 20 years' imprisonment. The incidence of child abuse was unknown due to social stigma and lack of reliable data.

UNICEF, the Ombudsperson Institution, the Statistics Agency, and responsible ministries jointly created a unified data management system to track child-related information in the justice, education, and social welfare sectors.

In July 2019 a nine-year-old boy from Fushe Kosove/Kosovo Polje was raped and killed. The boy's mother had reported his rape, identifying the perpetrator, to police prior to the killing, but the alleged perpetrator was released after questioning and never rearrested. Six months later, the child was found dead in Fushe Kosove/Kosovo Polje. The alleged perpetrator was then arrested for rape and aggravated murder. The defendant was sentenced provisionally in 2020, with final sentencing still pending in August. The government allocated 20,000 euros

(\$23,000) to the victim's family to help alleviate their financial situation. Following the trial, police and prosecutors began jointly reviewing all procedures and actions in child abuse cases. Disciplinary investigations were initiated against two prosecutors involved in the case over suspicion they failed to address the claims of abuse in a timely and efficient manner. One of the prosecutors was disciplined by the Prosecutorial Council. A human rights lawyer took up the case and sought to hold officials accountable for inaction.

Child, Early, and Forced Marriage: The law allows persons to marry at age 16 with parental consent. Although there is no official data on early and forced child marriages, it was a common practice, including within the Roma, Ashkali, Balkan-Egyptian, Bosniak, and Gorani communities. According to the Kosovo Agency of Statistics and UNICEF, while the overall percentage of women between the ages of 20 and 24 who married before age 18 was low, the percentage for women in the Roma, Ashkali and Egyptian communities was disproportionately high, at one in three. According to a government report that focused specifically on Romani, Ashkali and Egyptian communities, approximately 12 percent of children, mostly girls, married before the age of 15. High poverty levels in these communities contributed to these rates.

Sexual Exploitation of Children: The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography may receive a prison sentence of one to five years. The distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by a fine or imprisonment of up to three years.

The minimum legal age for consensual sex is 16. Statutory rape is a criminal offense punishable by five to 20 years in prison. Terre des Hommes Kosovo reported that national mechanisms for identification and referral of children who are vulnerable to sexual exploitation are ineffective. The organization noted children transported from Albania for street work were inadequately identified as potential victims of trafficking or children at risk of trafficking. The municipality of Pristina established a special task force intended to address these issues and provide protection and necessary services for children engaged in street work.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Approximately 50 Jewish persons resided in the country, according to Jewish community representatives. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and provide for equal access to education, employment, and other state services. The government did not effectively enforce these provisions, and persons with disabilities faced discrimination and were unable to access education, health services, public buildings, and transportation on an equal basis with others.

Educational options for children with disabilities were limited. UNICEF, through its implementing partner Handi-Kos, assessed 30 municipalities and found that primary and lower secondary school buildings had numerous architectural barriers preventing inclusion and enrollment of children with physical disabilities into regular education. For example, 56 percent of schools did not provide a wheelchair ramp and 74 percent lacked accessible toilets. According to Handi-Kos, approximately 38,000 children with disabilities did not attend school.

According to Handi-Kos, access to health and rehabilitative services, including social assistance and assistive devices for persons with disabilities, remained insufficient.

Physical access to public institutions remained difficult, even after the

implementation of bylaws on building access and administrative support. Handi-Kos reported that municipal compliance with a mandate on access to government buildings remained in the single digits. The parliament building itself was not accessible, and one member of parliament in a wheelchair had to be carried into the assembly hall by colleagues. Likewise, in the municipality of Suhareka/Suva Reka, persons in wheelchairs had access only to the ground floor of the municipal building, but not floors containing the mayoral and directorate offices.

Although the law requires equal access to transportation for persons with disabilities, the Ombudsperson Institution published a report in 2020 criticizing unequal access to inter-urban transportation for blind persons, despite the legal requirements. The report found public transportation accessibility measures for reserved seating, cost, and enforcement insufficient.

In June, the government established a Council for Persons with Disabilities as a government advisory body, with representatives from relevant ministries and NGOs, to improve enforcement of disability rights. The council held its first meeting in June, and its workplan includes implementation of the *National Strategy 2013-2023*.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation and gender identity in the “public and private spheres of social life, including political and public life, employment, education, health, economy, social benefits, sports, culture and other areas.” When the motivation for a crime is based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers motivation to be an aggravating circumstance.

According to human rights NGOs, the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community faced overt discrimination in employment, housing, determination of statelessness, and access to education and health care.

The NGO Center for Equality and Liberty reported that societal pressure persuaded most LGBTQI+ persons to conceal their sexual orientation or gender identity. The center also noted increased homophobic public reactions in social media since the

introduction of country-wide measures against the COVID-19 pandemic.

During the year, three cases of violence targeting LGBTQI+ were reported to the Kosovo Police and subsequently referred to the Prosecutor's Office. Two were registered as incitement of hatred, discord, and intolerance based on religious, racial, or ethnic grounds, and one was registered as an incitement of threat. In May an unidentified individual threatened the life of LGBTQI+ activist Lend Mustafa in Pristina's main square. Mustafa reported the unknown individual spat at him and shouted threats to kill him. Although police initiated an investigation, no charges had been filed as of December.

Police were inclusive and accepting of LGBTQI+ and other minority communities in their public messaging, and senior police officials participated in the annual pride parade. Pristina municipality established a drop-in center in 2020 and allocated funding for construction of the first-ever shelter for at-risk LGBTQI+ persons during the year.

In 2019 the appeals court upheld a basic court ruling permitting the change of the sex marker on identity documents from female to male for a citizen living abroad. In total, two citizens have changed their identity documents following lengthy court procedures, while four citizens' requests for change of identity documents have not been resolved. The government requires transgender persons to undergo mandatory sterilization before changing their gender marker.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination, and the violation of any individual's labor rights due to his or her union activities. The law requires reinstatement of workers fired for union activity, including in essential services. The law applies equally to all individuals working in the public and private sectors, including documented migrants and domestic servants.

The government did not effectively enforce labor laws, which include regulations

and administrative instructions that govern employment relations, including rights to freedom of association and collective bargaining. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate. Penalties for violations were not commensurate with those for laws related to civil rights. Administrative and judicial procedures were circuitous and subject to lengthy delays or appeals.

Employers did not always respect the right of worker organizations to bargain collectively, particularly in the private sector. The BSPK reported many private-sector employers essentially ignored labor laws.

The BSPK reported continued difficulty in establishing new independent unions due to employer interference in workers' associations and unions, particularly in the banking, construction, and hotel sectors. Representatives from these sectors anonymously told the BSPK some employers used intimidation to prevent the establishment of unions. The labor inspectorate reported receiving no formal complaints of discrimination against employees who tried to join unions; however, the inspectorate was not fully functional due to budgetary and staffing shortfalls. In addition, employers did not always respect the rights of worker organizations and unions to bargain collectively or to network with unions outside their organization, particularly in the private sector.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law, and forced labor, including forced child labor, occurred (see section 7.c.). Government resources, including remediation, were insufficient to bring about compliance, identify and protect victims, and investigate claims of forced or compulsory labor. The labor inspectorate reported conducting only limited investigations for forced labor offenses. Penalties, although commensurate with those for other serious crimes, were seldom applied.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits some of the worst forms of child labor. The minimum age for contractual employment is 15, provided the employment is not harmful or prejudicial to school attendance. Minimum age protections do not extend to the informal sector. If the work is likely to jeopardize the health, safety, or morals of a young person, the legal minimum age for work is 18.

The 2020 Law on Child Protection institutes key child labor protection standards unifying all the other legal and sublegal documents on the topic. It provides additional penalties for formal and informal employers of children that are commensurate with those for similar crimes. The law does not fully address the problem of child labor, as the law does not extend protections for children working in the informal economy.

The government did not effectively enforce the law. Penalties were seldom applied. Inspectors immediately notified employers when minors were exploited or found engaged in hazardous labor conditions. Child labor occurred primarily in the informal sector. As of May, the NGO Terre Des Hommes reported 115 cases of minors working in hazardous conditions.

The Coalition of NGOs for the Protection of Children reported that children working in agriculture encountered hazards from operating farm equipment. The coalition reported that child labor in farming persisted as a traditional activity. Government-run social-work centers reported children engaged in farming were primarily in the informal sector and were not prevented from attending school.

Urban children often worked in a variety of unofficial construction jobs and street work, including selling newspapers, cigarettes, food, or telephone cards and other small items. Some children, especially those from ethnic minorities or from families receiving social assistance, were subjected to forced begging or engaged in physical labor such as transportation of goods or in picking through trash piles for items to sell.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment based on race, religion, national origin, sex, ethnicity, disability, age, sexual orientation, gender identity, HIV or AIDS status, or political affiliation. The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. Discrimination in employment and occupation occurred across sectors with respect to sex, gender identity, disability, religion, political affiliation, and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals claiming discrimination based on union membership, age, and family status. The BSPK and union officials noted employment, particularly in the public sector, often depended on the employee's political status and affiliation. Union officials reported other mistreatment, including sexual harassment, based on political party affiliation. The BSPK reported instances of employers discriminating against female candidates in employment interviews and illegally firing women for being pregnant or requesting maternity leave. The Ombudsperson Institution reported instances of discrimination against single mothers, particularly regarding their rights to maternity leave, and recommended the Labor Inspectorate monitor such occurrences. Women's rights organizations reported sexual abuse and harassment occurred on the job but went unreported due to fear of dismissal or retaliation.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government-set minimum wage was higher than the official poverty income line.

The law provides for a standard 40-hour work week, requires rest periods, limits the number of regular hours worked to 12 per day, limits overtime to 8 hours per week and 40 hours per month, requires payment of a premium for overtime work, and prohibits excessive compulsory overtime. The law provides for 20 days of paid leave per year for employees and 12 months of partially paid maternity leave.

Ministry of Labor inspectors were responsible for enforcing all labor standards, including those pertaining to wages and hours. The government did not effectively enforce the law, and penalties were not commensurate with those for similar violations. The number of inspectors was insufficient to deter violations in both

the formal and informal sectors and enforcement was further curtailed by the COVID-19 pandemic. Inspectors have the authority to make unannounced inspections and initiate sanctions; however, the inspectorate was not fully functional due to budgetary and staffing shortfalls.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. The BSPK reported a lack of government oversight and enforcement, particularly of the standard workweek and compulsory and unpaid overtime. Many individuals worked long hours in the private sector as “at-will” employees, without employment contracts, regular pay, or contributions to their pensions. The BSPK reported employers fired workers without cause in violation of the law and refused to respect worker holidays.

Occupational Safety and Health: The law sets appropriate health and safety standards for workplaces and governs all industries in the country. The responsibility for identifying unsafe workplaces lies with individual employers, while the services that would secure safe work conditions lie with occupational safety and health experts rather than workers.

The same inspectors responsible for wage and hour laws also had authority over occupational safety and health laws. The government did not effectively enforce occupational safety and health laws, and penalties for violations were not commensurate to those of similar laws.

The law does not provide workers the right to remove themselves from a dangerous work situation without jeopardy to their employment. According to the Labor Ministry, informal employer-employee arrangements may address when and whether employees may remove themselves from work due to dangerous work situations, but the government did not track these arrangements. There were nine worker fatalities because of inadequate or unsafe work conditions during the year. According to experts, violations of wage, overtime, and occupational health and safety standards were common for both men and women, as well as foreign migrant workers, particularly those who faced hazardous or exploitative working conditions, such as in construction and agriculture.

Informal Sector: There are no reliable official statistics on the informal economy,

but an October 2020 EU-commissioned report estimated the informal and black market at 32 percent of GDP. Workers in the informal sector were not covered by all wage, hour, and occupational safety and health laws. The Association of Labor Unions reported lack of enforcement by the judiciary, especially in the informal sector, citing resource and capacity limitations within the labor inspectorate.